

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Stephen P.A. FODOR *et al.* Confirmation No.: 9541

Application No.: 09/724,928

Group Art Unit: 1631

Filed: November 28, 2000

Examiner: Skowronek, Karlheinz R.

For: **Methods for Analyzing Polymer Arrays**

Commissioner for Patents
U.S. Patent and Trademark Office
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401 Dulany Street
Alexandria, VA 22314

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97(c)

In accordance with the duty of disclosure set forth in 37 C.F.R. §1.56,
Applicant(s) hereby submits the following information in conformance with 37 C.F.R. §§1.97
and 1.98.

- ☒ Pursuant to 37 C.F.R. §1.98, copies of documents 34, 45, 50, 54-55, 57, 63, 65-66, 68-71, 73 and 80-90 cited in the attached Form PTO-1449 are enclosed.
- ☒ Copies of the remaining publications listed on the attached Form PTO-1449 are not being provided pursuant to 37 C.F.R. §1.98 because the publications were previously cited by or submitted to the Office in Applicants' previous Information Disclosure Statements and/or are U.S. patents or U.S. patent application publications.
- ☐ Copies of documents that were not submitted in the above-mentioned related United States Patent Applications may be found in related United States Patent Application Nos.:
Should the Examiner be unable to locate a document, a copy will be provided upon request.
- ☐ Publication(s) ____ listed on the attached Form PTO-1449 were cited in a foreign search or examination report corresponding to ____ application serial no. ____ and mailed on ____.

- [] Enclosed is a copy of a non-English publication(s) _____. Pursuant to §609 of the M.P.E.P., Applicant submits the attached foreign search or examination report, which cites such non-English language publication(s).
- [x] Documents 13-15, 20, 27, 30-32, 34, 45, 50, 54-55, 57, 63, 65-66, 68-71 and 73-90 are references not previously cited to the Office. In addition to the response to the Office Communication mailed August 3, 2007, Applicants herewith submit these references for consideration.
- [x] Documents 1-12, 16-19, 21-26, 28, 29, 33, 35-44, 46-49, 51-53, 56, 58-62, 64, 67 and 72 were previously cited to the Examiner in Applicants' previous Information Disclosure Statements and are included in the accompanying PTO-1449 forms in response to the Office Communication mailed August 3, 2007.
- [x] In addition to the Documents provided on the attached form 1449, Applicants bring to the attention of the Examiner a request for *ex parte* reexamination of United States Patent Number 5,445,934. The following references have been cited by in the request for reexamination as relevant to the patentability of various asserted claims under 35 U.S.C. § 103. Copies of the references listed below are provided as Documents 74-90.

Asserted claims 1-10 of US 5,445,934 are alleged to be invalid under 35 U.S.C. § 103 based on:

- EP 0 063 810 in view of Palmer, Charged Particle Accelerator Grating, U.S. Statutory Invention Registration H116; US 6,054,270; Behlke and Devor, "Chemical Synthesis of Oligonucleotides," http://www.idtdna.com/support/technical/TechnicalBulletinPDF/Chemical_Synthesis_of_Oligonucleotides.pdf, last visited May 29, 2007; and/or WO 91/07087

Asserted claims 1 and 7 of US 5,445,934 are alleged to be invalid under 35 U.S.C. § 103 based on:

- PCT/GB89/00460 (WO 89/10977) in view of US 4,728,591; Ghosh, Nucl. Acids Res. 15:5353 (1987); Palmer, Charged Particle Accelerator Grating, U.S. Statutory Invention Registration H116; and/or US 4,994,373

Asserted claims 1-5, 7, 8 and 10 of US 5,445,934 are alleged to be invalid under 35 U.S.C. § 103 based on:

- 4,562,157, in view of Sacra Blue Online, <http://www.sacpcug.org/archives/20year/timeline-a.html>, last visited May 29, 2007; Olympus Microscopy Resource Center, <http://www.olympusmicro.com/micd/galleries/chips.intel486dxa.html>, last visited May 29, 2007; Miller, J.P., "Intel Introduces Powerful 80486 Chip, But High Price May Limit Initial Sales" The Wall Street Journal Online, Apr. 11, 1989; Gelsinger et al., "Microprocessors Circa 2000", IEEE Spectrum, October 1989, 43; US 5,348,855; Khrapko et al., FEBS Lett. 256:118 (1989); and/or Innis et al., "DNA Sequencing with *Thermus aquaticus* DNA Polymerase and Direct Sequencing of Polymerase Chain Reaction-Amplified DNA," Proc. Natl. Acad. Sci. USA, (1988) 85:9436

This Information Disclosure Statement is filed after the period specified in 37 C.F.R. § 1.97(b), but before the mailing of:

- ☒ a final action under 37 C.F.R. §1.113;
- ☐ a notice of allowance under 37 C.F.R. §1.311; or
- ☐ an action that otherwise closes prosecution in this application.

In accordance with 37 C.F.R. §1.97(c) also enclosed is:

- ☒ Fee under 37 C.F.R. §1.17(p) in the amount of \$180.00; or
- ☐ Statement as specified in 37 C.F.R. §1.97(e):
 - ☐ Each item of information contained in the Information Disclosure Statement cited herein was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing date of the Information Disclosure Statement; or
 - ☐ No item of information contained in the Information Disclosure Statement submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, having made a reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing date of the Information Disclosure Statement.

It is respectfully requested that the Examiner consider the above-noted information and return an initialed copy of the attached Form PTO-1449 to the undersigned. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-1283.

Dated: 10-3-2007

USPTO Customer No. 000033522

COOLEY GODWARD KRONISH LLP

ATTN: Patent Group

777 6th Street, NW

Suite 1100

Washington, DC 20001

Phone: (202) 842-7800

Fax: (202) 842-7899

Respectfully submitted,

COOLEY GODWARD KRONISH LLP

By:



Michael S. Tuscan, Ph.D.

Reg. No. 43,210